

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 21, 2016**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL CHRISTIAN  
RADVANYI,

Plaintiff,

v.

MR. PONTO; SGT. BASS; SGT.  
LONG; MR. PROP; MISS KIRBY;  
MR. ZAMBOA; MR. DINES; MR.  
WALKER & ASSOCIATES; MISS  
MANN, MEDICAL DEPARMTENT  
SPOKANE COUNTY JAIL;  
SPOKANE POLICE  
DEPARTMENT, SEVERAL, ALL  
WHO WERE PRESENT NIGHT OF  
ARREST; MR. JONES; PEOPLE  
FROM BOOKING; JUDGE STAAB;  
and COMMISSIONER CONGALIA,

Defendants.

NO: 2:16-CV-00106-SMJ

**ORDER DISMISSING  
COMPLAINT**

**28 U.S.C. § 1915(g)**

By Order filed June 3, 2016, **ECF NO. 22**, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. Plaintiff had initiated this *pro se* civil rights action pursuant

**ORDER DISMISSING COMPLAINT--1**

1 to 42 U.S.C. § 1983 while confined at the Spokane County Jail. He was  
2 subsequently transferred to the Eastern State Hospital, and the most recent address  
3 he provided indicates that he is residing at an assisted living facility in Spokane,  
4 Washington. ECF Nos. 33 and 35. Plaintiff is proceeding *in forma pauperis*, but  
5 without the requirement that he pay the filing fee in installments under 28 U.S.C. §  
6 1915(b).

7 Plaintiff has twice been granted extensions of time to comply with the  
8 directive to amend or voluntarily dismiss. ECF Nos. 32 and 38. His most recent  
9 deadline was October 3, 2016. Plaintiff did not comply with the Court's directive  
10 and he has filed nothing further in this action.


11 In his complaint, Plaintiff did not present any facts showing how identified  
12 Defendants, acting under color of state law, caused or personally participated in  
13 causing a deprivation of Plaintiff's constitutionally protected rights. *Arnold v. IBM*,  
14 637 F.2d 1350, 1355 (9th Cir. 1981); *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir.  
15 1989). Therefore, he failed to state a claim upon which relief may be granted  
16 under 42 U.S.C. § 1983.

17 Having granted Plaintiff generous opportunities to amend or to voluntarily  
18 dismiss this action, **IT IS ORDERED** the complaint, ECF No. 21, is **DISMISSED**  
19 **without prejudice** for failure to state a claim under 28 U.S.C. §§ 1915(e)(2) and  
20 1915A(b)(1).

1 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who  
2 brings three or more civil actions or appeals which are dismissed as frivolous or for  
3 failure to state a claim will be precluded from bringing any other civil action or  
4 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious  
5 physical injury.” 28 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory**  
6 **provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff’s complaint may**  
7 **count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may**  
8 **adversely affect his ability to file future claims.**

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
10 Order, enter Judgment, forward copies to Plaintiff at his last known address, and  
11 **CLOSE** the file. The District Court Executive is further directed to forward a  
12 copy of this Order to the Office of the Attorney General of Washington,  
13 Corrections Division. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that  
14 any appeal of this Order would not be taken in good faith and would lack any  
15 arguable basis in law or fact.

16 DATED October 21st, 2016.

17   
18 SALVADOR MENDEZ, JR.  
19 United States District Judge  
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